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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/031,562 03/16/93 BOGOCH

18N1/0929

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S
EXAMINER
SAUNDERS, D
ART UNIT PAPER NUMBER
4

1802

DATE MAILED: 09/29/93

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire _____ month(s), 30 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input checked="" type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-848. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-8 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. ☐ Claims _____ have been cancelled.

3. ☐ Claims _____ are allowed.

4. ☐ Claims _____ are rejected.

5. ☐ Claims _____ are objected to.

6. ☒ Claims 1-8 are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

Restriction to one of the following inventions is required under 35 U.S.C. § 121:

I. Claims 1-2, drawn to vaccine products and production methods, classified in Class 424, subclass 88.

II. Claim 3, drawn to nucleic acid products, classified in Class 536, subclass 27.

III. Claim 4, drawn to antibody products, classified in Class 530, subclass 387.7+.

IV. Claims 5-7, drawn to cellular products, classified in Class 435, subclass 240.2.

V. Claim 8, drawn to assays for antibodies and immune cells, classified in Class 435, subclass 7.23.

The inventions are distinct, each from the other because of the following reasons:

The products of Groups I-IV are distinct products, each requiring a separate search according to the U.S. patent classification system ^{or} Upon an electronic data base. Also, each Group requires separate considerations with respect to utility, enablement, and obviousness motivation.

The assay process of Group V relates to a utility that is distinct from the apparent therapeutic utilities intended for the products of Groups I-IV.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their separate classification and recognized divergent subject

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matter restriction for examination purposes as indicated is proper.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

Any inquiry concerning this communication should be directed to D. Saunders at telephone number (703) 308-0196.

Saunders/sg
September 25, 1993

David A. Saunders
DAVID SAUNDERS
PRIMARY EXAMINER
ART UNIT 182